1947.

File No. Foreign Juris II / 47

Legal **DEPARTMENT**

B **BRANCH**

H. 21/5

Subject:— Rules and notifications under Indian Foreign Jurisdiction Order, 1937.

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C O N T E N T S.

Legal Department File No. Foreign Juris. 17/47.

Sr. No.	Compilation No.	Subject	Pages.
		Indian Foreign Jurisdiction Order, 1937.	
1.	U. O. to R.D. No.2203 dated 8-3-47.	Transferring functions of the crown exercised by the Resident of Baroda to Governor- procedure for—	1-2.
	R.D. Note No. 0100/30.7 dated 26/5/47.	Instructions regarding the Transfer of functions etc.—	3-16.
			(not copied)

Lathav Declaration.
15/5/56.

c/c.

Office of the R.L.A.

It appears from paragraph 1 of the D.O. letter of the Deputy Secretary to the Government of India, Political Department, dated 15th September 1945, (p.55) and the notification of the Crown Representative No. 82 I.B, dated the 8th March 1945 referred to in paragraph 3 (c) of the Memorandum of the Political Agent, Gujarat States Agency, dated 29th January 1946 at p. 85 ante, that the seven Mahadari estates of Ged, Palejpur, Morvad, Kapurpur, Vahiva, Porda and Dana are now included in the combined Baroda, Western India and Gujarat States Agency. It also appears that the Resident at Baroda and for the States of Western India and Gujarat exercises the functions of the Crown Representative, in the said seven Mahadari estates, which are now proposed to be transferred to the Governor of Bombay by the second draft notification at p. 103.

As jurisdiction must have been conferred on the Resident at Baroda and for the States of Western India and Gujarat in respect of the seven Mahadari estates by the Crown Representative in exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, by a notification thereunder, which is not available, it will be necessary for the Crown Representative to amend the said notification for the purpose of conferring the said jurisdiction on the Governor of Bombay. Accordingly the proposed draft notification at p. 103 will have tobe settled by the Government of India in the Political Department in consultation with with their law officers. (Cf. R.L.A's No.1230, dated 1st February 1939, a copy of which is sent for ready reference).

2. As regards the proposed draft notification at pages 97-101 ante, the position is similar. Revenue Department should verify whether the expression "Administered areas" in clause 2 of the Western

Western India States Administered Areas (Application of Laws) Order, 1942, which is proposed to be superseded by the proposed draft notification at pages 97-101 ante, refers to the seven Mutadari estates in question. If it refers to them, there will be no legal objection to the said Western India States Administered Areas (Application of Laws) Order, 1942, being superseded in its application to these seven estates. The Revenue Department should also satisfy itself about this. As the Western India States Adminstered Areas (Application of Laws) Order, 1942, was issued by the Crown Representative, under the Indian (Foreign Jurisdiction) Order in Council, 1937, it will be necessary for the Government of India in the Political Department to settle the form of the proposed draft notification at pages 97-101 ante, in consultation with their own law officers.

sd/- D.V.V.

Remembrancer of Legal Affairs.

U. R. to R. D. No. 2293, dated the 8th March 1947.

Madhav Raokadam.
15/5/56.

c/5.